

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETERSEN ENERGÍA INVERSORA, :
S.A.U. and PETERSEN ENERGÍA, S.A.U., :
Plaintiffs, :
v. :
ARGENTINE REPUBLIC and YPF S.A., :
Defendants. :
----- X

Case No.: 1:15-CV-02739 (LAP)

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ETON PARK CAPITAL MANAGEMENT, :
L.P., ETON PARK MASTER FUND, LTD., :
and ETON PARK FUND, L.P., :
Plaintiffs, :
v. :
ARGENTINE REPUBLIC and YPF S.A., :
Defendants. :
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Case No.: 1:16-CV-08569 (LAP)

DECLARATION OF ROBERT J. GIUFFRA, JR.

I, Robert J. Giuffra, Jr., pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury as follows:

1. I am a member of the bar of this Court and a partner of Sullivan & Cromwell LLP, counsel to Defendant the Argentine Republic (the “Republic”) in the above-captioned actions. I make this Declaration in order to place before this Court certain documents referenced in the Republic’s Memorandum of Law in Support of its Motion for Summary Judgment.

2. Attached hereto are true and correct copies of the following:

YPF Bylaws, with English translation	Exhibit 1
Sebastián Eskenazi Deposition Transcript (Excerpted)	Exhibit 2
Marcy Engel Deposition Transcript (Excerpted)	Exhibit 3
Deposit Agreements between YPF S.A. and The Bank of New York, dated June 17, 1993 and November 6, 2009 (Excerpted)	Exhibit 4
YPF S.A. Registration Statement and Prospectus, dated June 24, 1993 (Excerpted)	Exhibit 5
Sebastián Eskenazi February 10, 2021 Minutes of Hague Convention Testimony, with English translation	Exhibit 6
Daniel R. Fischel Opening Expert Report (Excerpted)	Exhibit 7
Alejandro M. Garro Opening Expert Report (Excerpted)	Exhibit 8
Alfredo L. Rovira Opening Expert Report (Excerpted)	Exhibit 9
Alejandro M. Garro Deposition Transcript (Excerpted)	Exhibit 10
Alberto B. Bianchi Deposition Transcript (Excerpted)	Exhibit 11
Alfredo L. Rovira Rebuttal Expert Report (Excerpted)	Exhibit 12
Alfonso Santiago Deposition Transcript (Excerpted)	Exhibit 13
Alejandro M. Garro Rebuttal Expert Report (Excerpted)	Exhibit 14
Repsol-Argentina Settlement Agreement, with English translation (Excerpted)	Exhibit 15
John C. Coffee, Jr. Rebuttal Expert Report (Excerpted)	Exhibit 16
John C. Coffee, Jr. Deposition Transcript (Excerpted)	Exhibit 17
Daniel R. Fischel Deposition Transcript (Excerpted)	Exhibit 18
John C. Coffee, Jr. Reply Expert Report (Excerpted)	Exhibit 19
Aída Kemelmajer de Carlucci Rebuttal Expert Report (Excerpted)	Exhibit 20

Transcript of Proceedings of the Argentine Senate Committees on Budget, Treasury, Constitutional Affairs, and Mining, Energy, and Fuels, dated April 17, 2012, English translation (Excerpted)	Exhibit 21
José Antonio Ocampo Rebuttal Expert Report (Excerpted)	Exhibit 22
YPF S.A. SEC Form 20-F for the fiscal year ended December 31, 2020 (Excerpted)	Exhibit 23
Nancy C. Lissemore Opening Expert Report (Excerpted)	Exhibit 24
YPF S.A. SEC Form 20-F for the fiscal year ended December 31, 1993 (Excerpted)	Exhibit 25
December 27, 2000 YPF Shareholders' Meeting Minutes, with English translation	Exhibit 26
April 24, 2008 YPF Shareholders' Meeting Minutes, with English translation	Exhibit 27
YPF S.A. SEC Schedule 13D, dated February 1, 1999 (Excerpted)	Exhibit 28
YPF S.A. SEC Form 20-F for the fiscal year ended December 31, 2013 (Excerpted)	Exhibit 29
Repsol Press Release, dated December 21, 2007 (available at https://www.repsol.com/imagenes/global/en/21122007_repsolypf_petersen_eng_tcm14-13505.pdf)	Exhibit 30
Jeffrey H. Harris Rebuttal Expert Report (Excerpted)	Exhibit 31
Transcript of December 22, 2020 Court Conference	Exhibit 32
YPF, S.A. SEC Schedule 13D, including EX-99.4 and EX-99.13, dated February 21, 2008	Exhibit 33
Armando Luis Betancor Deposition Transcript (Excerpted)	Exhibit 34
Email and attachment from Ruben Marasca Coianiz to various recipients, dated February 28, 2012 (GP00058005, GP00058007), with English translation	Exhibit 35
YPF June 15, 2012 Schedule 13D/A	Exhibit 36
YPF, S.A. SEC Form 20-F, for the fiscal year ended December 31, 2011 (Excerpted)	Exhibit 37
YPF, S.A. SEC Schedule 13D/A, Item 3, dated May 20, 2011	Exhibit 38

YPF S.A. SEC Schedule 13D/A, dated November 18, 2008, Item 21	Exhibit 39
YPF S.A. SEC Schedule TO-T, dated September 11, 2008, Item B	Exhibit 40
YPF, S.A. SEC Schedule 13D/A, dated May 21, 2008	Exhibit 41
Goldstein, M., “Eton Park to Shut Down as \$3 Trillion Hedge Fund Industry Faces Turmoil,” The New York Times (March 23, 2017) (available at https://www.nytimes.com/2017/03/23/business/dealbook/eton-park-hedge-fund-closes.html)	Exhibit 42
Email from Jason Currant to Ricardo Salmon, dated November 5, 2010 (EP_000015278)	Exhibit 43
Email and attachment from Serge Todorovich to Jonathan Gasthalter, dated December 22, 2010 (EP_000062852)	Exhibit 44
Email from Edward Misrahi to Patrick McDonald, dated March 26, 2012 (EP_000027714)	Exhibit 45
Pagni, C., “YPF Podría Agotar En Cinco Años Sus Reservas De Petróleo,” La Nación (March 21, 2011) (available at https://www.lanacion.com.ar/economia/ypf-podria-agotar-en-cinco-anos-sus-reservas-de-petroleo-nid1359140/), with English translation	Exhibit 46
Sequeira, M. and Fonseca, L., “YPF Sociedad Anonima, - Political risk clouds exploration potential,” Deutsche Bank (May 8, 2011) (Excerpted)	Exhibit 47
YPF S.A. Form 20-F, for the fiscal year ended December 31, 2007 (Excerpted)	Exhibit 48
YPF S.A. Form 20-F, for the fiscal year ended December 31, 2003 (Excerpted)	Exhibit 49
YPF S.A. Form 20-F, for the fiscal year ended December 31, 2004 (Excerpted)	Exhibit 50
“Kirchner reclamó a Repsol y Petrobrás más inversiones en Argentina,” Agence France Presse (Nov. 29, 2007), with English translation	Exhibit 51
“Argentina: De Vido takes another swipe at Repsol,” La Nación (Apr. 20, 2007) 2007 WLNR 7604358	Exhibit 52
Rebossio, A., “YPF importará petróleo debido a la escasez en Argentina,” El País (Mar. 9, 2010) (available at https://elpais.com/economia/2010/03/10/actualidad/1268209973_850215.html), with English translation	Exhibit 53

Public Interest Bill 529/12, dated April 16, 2012 (AR00031627), with English translation (Excerpted)	Exhibit 54
Resolution S/N/2012 of the National Chamber of Deputies, dated May 23, 2012, with English translation	Exhibit 55
Resolution S/N/2012 of the National Senate, dated May 30, 2012, with English translation	Exhibit 56
CNV Call for YPF Shareholders' Meeting, dated May 8, 2012 (AR00011109), with English translation	Exhibit 57
June 4, 2012 YPF Shareholders' Meeting Minutes, English translation	Exhibit 58
<i>Repsol S.A. and others v. YPF S.A. s/ordinario</i> , Juzgado Nacional de Primera Instancia en lo Comercial N° 3, Secretaría N° 6, Expte. N° 103.144/2012, with English translation (Excerpted)	Exhibit 59
Complaint, <i>De San Martín, José and others v. Estado Nacional-PEN S/Proceso de Conocimiento</i> , Federal Court in Contentious Administrative Matters No. 10, File No. 35167/2013, with English translation (Excerpted)	Exhibit 60
YPF S.A. SEC Schedule 13D/A, dated June 1, 2012	Exhibit 61
YPF S.A. SEC Schedule 13D, dated November 9, 2012 (YPFEP00004929)	Exhibit 62
Letter from Repsol to PEISA, dated May 19, 2014, with English translation (PT_000031639)	Exhibit 63
Petersen Bankruptcy Petition, dated July 13, 2012 (PT_000019113) (Excerpted)	Exhibit 64
Eric Mindich Deposition Transcript (Excerpted)	Exhibit 65
YPF Note, dated May 9, 2014 (available at https://www.ypf.com/inversoresaccionistas/Lists/HechosRelevantes/BCBAHR-Convenio-de-Finiquito.pdf), with English translation	Exhibit 66
YPF S.A. SEC Form 6-K, dated May 9, 2014	Exhibit 67
Petersen Liquidation Plan, dated October 6, 2014	Exhibit 68
Claim Prosecution Agreement between Petersen and Prospect Investments LLC, dated March 4, 2015 (Excerpted)	Exhibit 69

Capital Provision Agreement between Eton Park and Ireton LLC, dated November 3, 2016 (Excerpted)	Exhibit 70
Burford Capital FY 2019 Annual Report (Excerpted)	Exhibit 71
Law 26,741, dated May 3, 2012 (AR00031972), English translation	Exhibit 72
Decree No. 1106/93, dated May 31, 1993, with English translation	Exhibit 73
Decree No. 530/2012, dated April 16, 2012 (EP_000003603), with English translation	Exhibit 74
Decree No. 732/2012, dated May 11, 2012 (YPFEP00007670), with English translation	Exhibit 75
Letter from Repsol to PEISA, dated April 23, 2013 (PT_000031637), with English translation	Exhibit 76
Solberg, C., "Entrepreneurship in Public Enterprise: General Enrique Mosconi and the Argentine Petroleum," The Business History Review, Vol. 56, No. 3, (1982) (AR00102452)	Exhibit 77
Christopher Bogart Deposition Transcript (Excerpted)	Exhibit 78

Executed on April 14, 2022 in New York, New York.

/s/ Robert J. Giuffra, Jr.

Robert J. Giuffra, Jr.